REMARKS

Claims 1 through 24 are currently pending in the above-captioned application. In the Office Action, the Examiner rejected Claims 1-24 as being unpatentable over U.S. Patent No. 5,215,309 to Joel ("Joel").

Applicant filed a response to the aforementioned Official Action on July 25, 2005. The response proposed a number of amendments and arguments in support of the amendments. However, in the Advisory Action dated August 11, 2005, the Examiner refused to enter the proposed amendments because the new language allegedly did not place the application in better form for appeal and/or they allegedly presented additional claims without corresponding number of finally rejected claims. In view of the Advisory Action, Applicant now submits the foregoing amendments and the following remarks and arguments.

First, by way of summary, the Applicant respectfully notes that the basic lesson taught by the board game disclosed in Joel is quite different from that disclosed in the present application, and as a result, the games (and the way they are played) differ significantly. More specifically, Joel is intended to teach players about the preventive aspects of health care—which include good exercise, taking vitamins and managing a healthy lifestyle—rather than the emotional benefits of practicing "connecting habits" in the context of interpersonal behaviors in order to improve players' interpersonal relationships, which is the theme of the present invention.

Although the Applicant believes this distinction was already drawn effectively by the claims as previously presented, the Applicant has now amended Claim 1 to more effectively emphasize this distinction. More particularly, Applicant has specified that the behaviors involved are interpersonal behaviors, that "connecting" behaviors refer to interpersonal behaviors that tend to enhance or facilitate the creation of healthy interpersonal relationships, and that "disconnecting" behaviors refer to interpersonal behaviors that tend to damage or inhibit the establishment or maintenance of healthy interpersonal relationships. Because these behaviors are so clearly different from those peripherally implied by the teachings of Joel, and because Joel teaches nothing of interpersonal relationships (any effects that such health issues as substance abuse may have on interpersonal relationships is clearly beyond the scope of Joel's teachings), the Applicant believes that Claim 1 has now been even more clearly distinguished from Joel.

With regard to Claim 16, the Applicant believes that in rejecting the claim under Joel, the Examiner has overlooked two important features described therein. First, Claim 16

recites first and second play areas defining first and second paths, and then goes on to recite that the first and second paths are noncontiguous from each other. The Applicant notes that in a board game, where play areas are generally confined to a limited space defined by the periphery of the board itself, all play areas are, of necessity, adjacent to each other. This does not, however, imply that the play areas are contiguous with each other. Moreover, as recounted above, Claim 16 actually recites that "the first and second paths [are] noncontiguous from each other" (emphasis added). Use of the term "paths" implies something more specific than mere "play areas." In fact, each path is formed from a "plurality of spaces connected together" to create a structure "along which tokens may be moved."

By comparison, Joel suffers from two shortcomings. First, Joel defines only a single path that begins at the space on the board bearing reference numeral 50, proceeds to the space numbered 11, and then continues sequentially from the space numbered 12 to the space numbered 130. Of course, the path itself is arranged into three concentric octagons, but the path is nonetheless of the conventional variety in that there is a definite beginning point and ending point, and players' tokens remain in the same path for the entire game (subject, of course, to the roll of the dice, various spaces instructing a player to move a token forward or backward a specified number of spaces, and the like). This is very unlike the game board of the present invention, which involves separate movement in two different closed-loop paths (play areas A and B).

In addition, even if the single path of the Joel game board were artificially and arbitrarily separated into two or more sub-"paths" (such as by reading the outer ring as a first sub-path, the middle ring as a second sub-path, and the inner ring as a third sub-path), such sub-paths cannot be said to be noncontiguous from each other. More specifically, the first sub-path is linked directly to the second sub-path via the spaces numbered 50 and 51, while the second sub-path is linked directly to the third sub-path via the spaces numbered 51 and 91. This differs dramatically from the noncontiguous paths of the game of the present application, in which movement remains in one path or the other until a particular event occurs. In other words, in the game of the present application, none of the spaces in either path provide a link corresponding to an instruction or directive to move the at least one token from one path to the other path. As a result, each token may be moved an indefinite number of spaces within either path without being required or allowed to move to the other path

without the occurrence of the particular event during play. This is an important element of the game itself and is part of what is particularly being claimed by virtue of Claim 16.

There is also a second important feature that the Applicant believes was overlooked in rejecting Claim 16 under Joel. More specifically, Claim 16 recites that:

> wherein each token is more likely to land on spaces associated with the first behavior category, the first category comprising a theme of proper behavior patterns, and less likely to land on spaces corresponding to the second behavior category, the second category comprising a theme of improper behavior patterns, in the second play area than in the first play area.

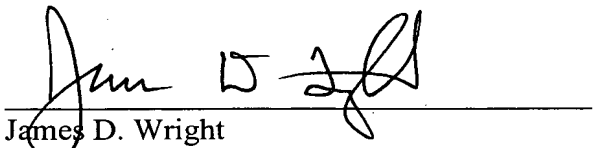
Again, this pertains to an important element of the game itself, wherein a player is encouraged to shift from the first play area or path, which includes a higher proportion of "improper behavior pattern" spaces to "proper behavior pattern" spaces, to the second play area or path, which includes a lower proportion of "improper behavior pattern" spaces to "proper behavior pattern" spaces.

Unfortunately, the Examiner has not cited any teaching of Joel that discloses this particular feature. In addition, even if the artificial and arbitrary path separation described above were to be applied to create first, second and third sub-paths, there appears to be no specific teaching that such a proportion of spaces does or could exist, and certainly the spaces specifically cited by the Examiner in rejecting the claims do not exist in the recited proportions. In fact, the distribution of spaces in the Joel game board appears to be evenly split between spaces with "good" consequences and those with "bad" consequences. Moreover, there would be no motivation for one of ordinary skill in the art to apply such proportions to the relative numbers of spaces because the Joel game is intended merely to teach the players basic health concepts, not to train them to use certain behaviors by mimicking the transition from the use of "disconnecting behaviors" to "connecting behaviors" in the game as in real life.

Thus, the Applicant has provided no further amendments to Claim 16, believing such amendments to be unnecessary at this time. However, the Applicant has offered a new claim, Claim 25, to more specifically delineate the separation, on the game board, of the first path from the second path. The Applicant notes that the elements recited therein do not rely for their distinctiveness on rules for playing the game but on the organization of the game board itself. The Applicant has also amended Claim 17 to depend from new Claim 25, thereby effectuating the dependency of all other dependent claims from Claim 17.

In view of the foregoing, the Applicant respectfully submits that Claims 1-25 of the present application are now in condition for allowance, based upon the limitations of Claims 1 and 16 and the further limitations contained within each dependent claim. Thus, the Applicant respectfully requests that these claims be allowed. Finally, the Applicant requests that the Examiner telephone or email the undersigned to resolve any such issue so as to expedite the prosecution of this application.

Respectfully submitted,



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